

REMARKS

Claims 1-9 stand rejected. Claims 3 and 7 have been objected to for various informalities. Claims 1-9 have been amended. No new matter has been added. Thus, Claims 1-9 are presented for consideration and further examination in view of the following amendments and remarks.

Objections

In the Office Action, the Examiner objected to Claims 3 and 7 for various informalities. Specifically, the Examiner objected to the recitation of “the sealing position in inside, mutually opposite shoulders” in Claim 3 and suggested that the word “comprise” in Claim 7 should be changed to “comprises.”

Applicants have amended Claim 3 to recite “the sealing edges engage in the sealing position in mutually opposite shoulders provided on the inside of valve slides....” Support for this amendment can be found in at least paragraph [0007] of the published application. Applicants have also corrected Claim 7 to recite “comprises,” as the Examiner suggested. Thus, Applicants respectfully submit that these objections have been overcome.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected Claims 2-4 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that the recitation of “on its two face sides” and “offset like annular shoulders” renders Claim 2 unclear. The Examiner also states that the recitation of “and/or” in the phrase “valve slides of the ventilation and/or inlet valves” renders Claim 3 unclear.

Claim 2 has been amended to delete the limitations “on its two face sides” and “offset like annular shoulders.” Claim 1, from which Claim 2 depends, has been amended to recite “the sealing disk comprises two substantially axially-facing sealing edges.” Claim 3 has also been amended to recite “valve slides of the ventilation and inlet valves.” Additionally, Claim 4 has been amended to clarify that “the sealing disk is guided on its outside circumference.” Support for these amendments can be found in at least paragraphs [0007], [0010], and [0021], as well as

Figures 1 and 2, of the published application. No new matter has been added by these amendments. Accordingly, Applicants respectfully submit that the rejections under 35 U.S.C. § 112, second paragraph, have been overcome.

Rejections under 35 U.S.C. § 102(b) under Weh

The Examiner rejected Claims 1-6 and 8-9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,095,947 (Weh et al.). The Examiner rejected dependent Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Weh et al. in view of U.S. Patent No. 5,464,042 (Haunhorst). With respect to the anticipation rejection of independent Claim 1, Applicants respectfully submit that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131.

Applicants respectfully submit that Weh et al. fails to disclose “a sealing disk which can be moved in the axial direction of the connection coupling in a controlled manner towards the inlet valve and away from the same, and wherein the sealing disk comprises two substantially axially-facing sealing edges,” as recited in amended Claim 1. Applicants respectfully submit that the valve taper 7 of Weh et al., identified by the Examiner as corresponding to the sealing disk of the present claims, has a tube-like configuration which does not correspond to the “disk” configuration recited in the present claims. Further, the valve taper 7 does not comprise “two substantially axially-facing sealing edges,” as required by the present claims. Instead, the valve taper 7 “is a smooth-surfaced continuation of [the] piston’s interior” and is “sealed by a sealing element 43.” (Col. 5 ll. 1-5). The sealing element 43 is an O-ring disposed within an inner circumference of the control piston 10. (See Fig. 2). The sealing element 43 forms a stationary seal around the valve taper 7 relative to the control piston 10. The sealing surface of the valve taper is the circumferentially outer surface of the taper, and thus, is not “axially facing” but instead faces in a direction normal to the axial direction. Thus, Weh et al. fails to disclose at least “the sealing disk comprises two substantially axially-facing sealing edges” as recited in independent Claim 1. The applied prior art of record does not cure this deficiency in the Weh reference. Accordingly, because Weh et al. does not disclose each and every element of Claim 1, Applicant respectfully submits that the rejection of independent Claim 1 has been overcome.

Application No.: 10/506,362

Filing Date: May 11, 2005 (1A Date September 2, 2004)

Claims 2-9 depend directly or indirectly from Claim 1 and, thus, are patentable for at least the same reasons that Claim 1 is patentable over the applied art. Applicants also wish to note that both the European Patent Office and the Chinese Patent Office have recently granted this application. Therefore, allowance of Claims 1-9 is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim in this or a related application, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein.

Application No.: 10/506,362

Filing Date.: May 11, 2005 (IA Date September 2, 2004)

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

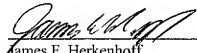
The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/24/07

By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20995
(619) 235-8550

AMEND

4301206
092407